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UNITED STATES DISTRICT COURT
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NORTHERN DISTRICT OF CALIFORNIA
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SAN JOSE DIVISION
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18 A.O., et al.,
Plaintiffs,
19 v.
20 KENNETH T. CUCCINELLI, et al.,
21 Defendants.
22

Case No. 19-CV-06151 SVK

**STIPULATION AND ~~PROPOSED~~
SECOND SUPPLEMENTAL
PROTECTIVE ORDER**

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24 Whereas, in connection with the ongoing proceedings before Magistrate Judge Ryu that were
25 referred by this Court on June 15, 2020 [ECF No. 72], Plaintiffs have requested the state-court order of a
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28 STIPULATION AND ~~PROPOSED~~ SECOND SUPPLEMENTAL PROTECTIVE ORDER
CASE NO. 19-CV-06151 SVK

particular individual on the list of individuals produced by Defendants pursuant to this Court's June 30, 2020 Order [ECF No. 77] to determine that individual's class membership.

Whereas, Defendants state that the current Protective Order dated December 13, 2019, Dkt. No. 36, and Supplemental Protective Order dated July 6, 2020, Dkt. No. 83, may be insufficient to protect Defendants from claims that production of the individual's state-court order may violate the provisions of the Privacy Act, 5 U.S.C. § 552a(b).

Therefore, the Parties respectfully request the Court to issue the proposed Second Supplemental Protective Order that will enable Defendants to produce the individual's state-court order so that Plaintiffs may ascertain the individual's class membership.

Dated: November 18, 2020

Respectfully submitted,

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I.Z.M., on behalf of themselves
and all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

A.O., et al.,
Plaintiffs,
v.
KENNETH T. CUCCINELLI, et al.,
Defendants.

Case No. 19-CV-06151 SVK

~~PROPOSED~~ SECOND
SUPPLEMENTAL PROTECTIVE
ORDER

GOOD CAUSE APPEARING AND PURSUANT TO STIPULATION,

The Court authorizes and orders Defendants to produce to Plaintiffs' counsel the state court order of an individual on the list of potential class members produced by Defendants on July 15, 2020 (updated on August 14, 2020) to determine his class membership, in connection with the ongoing proceedings before Magistrate Judge Ryu that were referred by this Court on June 15, 2020 [ECF No. 72]. The information contained in the individual's state-court order shall be designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" due to the personal privacy information contained in the order, including the individual's date of birth, third-party information, and information about parental mistreatment. The term "Highly Confidential-Attorneys' Eyes Only Information" means any Confidential Information that is so competitively sensitive that it could cause harm to that party, or a nonparty, if disclosed to another party in this action. Highly Confidential-Attorneys' Eyes Only Information shall not be communicated or disclosed by the recipient in any manner to anyone other than the following persons with a reasonable need to know in relation to their duties in connection with this litigation:

- (i) Attorneys of record for the parties to this litigation, as well as employees of the parties to whom counsel deems it essential to show a document designated Highly Confidential-Attorneys' Eyes Only;
- (ii) Any mediator or other neutral appointed by the Court or chosen by the parties;
- (iii) Persons shown on the face of any document to have authored or received it;
- (iv) This Court and Court personnel;
- (v) The individual's counsel of record for his I-360 Petition;
- (vi) Any other person on such terms and conditions as the parties may mutually agree, or as the Court may hereafter direct by further order.

The Privacy Act prohibits federal government agencies from disclosing "any record [about an individual] which is contained in a system of records." 5 U.S.C. Section 552a(b). However, the Privacy Act allows for disclosure "pursuant to the order of a court of competent jurisdiction." The parties agree that Defendants may produce a state-court order related to an SIJ petition pursuant to this Paragraph of the Protective Order if the Court so orders. Accordingly, the parties request the Court to authorize and order Defendants to produce the individual's state court order submitted with his Special Immigrant Juvenile petition pursuant to this Paragraph of the Stipulated Protective Order upon Plaintiffs' request.

IT IS SO ORDERED.

DATED: November 19, 2020


 HON. SUSAN VAN KEULEN
 United States Magistrate Judge